IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21316 of 1994

Between:

Madanalal Upadyay, S/o. Chunnilal,
1-5-111/A, Rashtrapathi Road,
Kazipet, Warangal.

..... PETITIONER

AND

1 Municipal Corporation of Warangal, Rep. by its Special Officer,
S.V.N.Road, Warangal.
2 Kakatiya Urban Development Authority, Rep. by its Chairman,
Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the contemplated act of demolition of building bearing H.No.1-5-111/A, (Old.No. 1-457/1) Rashtrapathi Road, Kazipet, Warangal District within the Warangal Municipal limits belonging to the petitioner by the respondents, their officers, employees and agents as illegal and consequently prohibit the respondents their officers, employees agents from in any way causing loss to the building bearing H.No.1-5-111/A, (Old No. 1-457/1), situated at Rashtrapathi Road, Kazipet within the municipality limits of Warangal by demolition or otherwise.

Counsel for the Petitioner: MR.BANKATLAL MANDHANI

Counsel for the Respondent No.1: MR.GOPAL G NAIK

Counsel for the Respondent No.2: Mr.C.Narender.

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.21316 OF 1994

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondent in taking steps to demolish the building bearing H.No.1-5-111/A, Rashtrapati Road, Kazipet, Warangal.

As stated in the affidavit filed in support of the writ petition, it is the case of the petitioner that he is the owner and possessor of the building bearing No.1-5-111/A, situated at Rashtrapati Road, Kazipet of Warangal district and he purchased the same under a registered sale deed dated 2.11.1978 vide document No.694/79 from V.Sulochana Devi. It is the further case of the petitioner that the respondents 1 and 2 are widening the roads with a view to develop the city. It is submitted that the land in question is a private property owned by the petitioner and no proceedings are initiated under the Land Acquisition Act,1894 notifying the said land for any public purpose. It is further stated that the respondents 1 and 2 have given blank forms to give consent to part with the structures effected with the road widening, but the petitioner did not give the consent. It is his case that in spite of the fact that he did not give any consent to part with his property effected by the road widening and in the absence of any notification being issued under the Land Acquisition Act,1894 notifying the land of the petitioner for any public purpose, respondents have marked the portion for demolishing the same for the purpose of road widening.

Though the writ petition is of the year 1996, no counter is filed. In that view of the matter and inasmuch as it is stated that the petitioner has not given consent and the required structures are not notified for any public purpose under the Land Acquisition Act, I dispose of the writ petition directing the respondents not to demolish or deprive the property of the petitioner in the absence of any consent from the petitioner or without following due process of law and without notifying the land for any public purpose under Land Acquisition Act.

Subject to above direction, the writ petition is disposed of. No order as to costs.

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JUSTICE R.SUBHASH REDDY

Dated 09.02.2005.

Mdaa.

Copy to:

1 Municipal Corporation of Warangal, Rep. by its Special Officer, S.V.N.Road, Warangal.
2 Kakatiya Urban Development Authority, Rep. by its Chairman, Warangal.

3. Two C.D.copies.